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Attorneys for Defendants
 LAM SIN YAM; RAY LIM; TIFFANY NGO;
 NGO ASSET MANAGEMENT, LLC;
 TIFFANY NGO IN HER CAPACITY AS
 TRUSTEE OF THE TIFFANY NGO
 LIVING TRUST UTD; CRUISE THRU DAIRY
 D/B/A CRUISE THRU DAIRY, VALERO MART
 INC. D/B/A VALERO MART/ARCO MARKET
 INC., and TIFFANY NGO D/B/A SPEEDY
 WASH

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOCHEAT CHY,

Plaintiff,

v.

LAM SIN YAM;
 RAY LIM;
 TIFFANY NGO;
 NGO ASSET MANAGEMENT, LLC;
 TIFFANY NGO IN HER CAPACITY
 AS TRUSTEE OF THE TIFFANY
 NGO LIVING TRUST UTD;
 NAING LAM YAM;
 CINDY KANYA CHAN;
 MOLICA RATHA KEO;
 NIVODETH KHIEV;
 CRUISE THRU DAIRY, D/B/A
 CRUISE THRU DAIRY;
 VALERO MART INC., D/B/A
 VALERO MART/ARCO MARKET
 INC.; and
 TIFFANY NGO, D/B/A SPEEDY
 WASH,

Defendants.

Case No. 2:17-cv-04325-BRO-AGR

**NOTICE OF MOTION AND
 MOTION OF DEFENDANTS LAM
 SIN YAM; RAY LIM; TIFFANY
 NGO; NGO ASSET
 MANAGEMENT, LLC; TIFFANY
 NGO IN HER CAPACITY AS
 TRUSTEE OF THE TIFFANY NGO
 LIVING TRUST UTD; CRUISE
 THRU DAIRY D/B/A CRUISE
 THRU DAIRY; VALERO MART
 INC. D/B/A VALERO MART/ARCO
 MARKET INC.; AND TIFFANY
 NGO D/B/A SPEEDY WASH TO
 DISMISS PLAINTIFF'S FOURTH,
 SEVENTEENTH, TWENTY-
 SECOND, AND TWENTY-NINTH
 CLAIMS FOR RELIEF FOR
 FAILURE TO STATE A CLAIM
 (F.R.C.P. 12(b)(6))**

Hearing Date: November 6, 2017
 Time: 1:30 P.M.
 Court Room: 7C

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 23, 2017, at 1:30 P.M. in Courtroom 7C of the Honorable Beverly Reid O’Connell, United States District Court, Central District of California, located at 350 West 1st Street, Los Angeles, CA 90012, Defendants LAM SIN YAM; RAY LIM; TIFFANY NGO; NGO ASSET MANAGEMENT, LLC; TIFFANY NGO IN HER CAPACITY AS TRUSTEE OF THE TIFFANY NGO LIVING TRUST UTD, CRUISE THRU DAIRY D/B/A CRUISE THRU DAIRY, VALERO MART INC. D/B/A VALERO MART/ARCO MARKET INC., and TIFFANY NGO D/B/A SPEEDY WASH, and each of them (collectively “Defendants”), will and hereby do move, jointly and severally, this Honorable Court for an order to dismiss the following claims for relief, for failing to state a cause of action upon which relief can be granted:

1. Fourth Claim for Relief (Unlawful Conduct re Documents)¹;
2. Seventeenth Claim for Relief (False Imprisonment);
3. Twenty-Second Claim for Relief (Negligent Infliction of Emotional Distress); and
4. Twenty-Ninth Claim for Relief (Violation of the Federal Racketeer Influenced and Corrupt Organizations Act)

This is to certify that Defendants conducted the United States District Court, Central District of California, Local Rule 7-3 (“L.R. 7-3”) meet and confer prior to filing the within motion. In this regard, the parties, by and through their respective counsel, engaged in the required L.R. 7-3 meet and confer discussions on August 2, 4, 8, 29 of 2017 and September 14, 2017, regarding the Fourth Claim for Relief, Seventeenth Claim for Relief, and Twenty-Second Claim for Relief. Following Plaintiff’s addition, by the Second

¹ The request for dismissal as to the Fourth Claim for Relief is as to all Defendants except LAM SIN YAM.

1 Amended Complaint, of the Twenty-Ninth Claim for Relief, the parties engaged in meet
2 and confer discussions on September 14, 2017 concerning said claim.

3 This motion is based on F.R.C.P. Rule 12(b)(6); this Notice; the attached
4 Memorandum of Points and Authorities; the Request for Judicial Notice; the
5 certification of the required L.R. 7-3 meet and confer; the pleadings, records, and
6 files in this case; any supplemental memoranda of points and authorities that may be
7 subsequently filed; and any argument and/or evidence that may be presented at the
8 hearing on this motion.

9
10 DATED: September 19, 2017

SULLIVAN, KRIEGER, TRUONG
SPAGNOLA & KLAUSNER, LLP

11
12 /s/Eliot F. Krieger

13 Eliot F. Krieger, P.C.

14 Heidi Stilb Lewis

15 Christopher L. Wong

Attorneys for Defendants

16 LAM SIN YAM; RAY LIM;

17 TIFFANY NGO; NGO ASSET

MANAGEMENT, LLC; TIFFANY

18 NGO IN HER CAPACITY AS

TRUSTEE OF THE TIFFANY NGO

19 LIVING TRUST UTD; CRUISE

20 THRU DAIRY D/B/A CRUISE THRU

DAIRY, VALERO MART INC.

21 D/B/A VALERO MART/ARCO

22 MARKET INC., and TIFFANY NGO

23 D/B/A SPEEDY WASH

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is Sullivan, Krieger, Truong, Spagnola & Klausner, LLP, 2 Park Plaza, Suite 900, Irvine, CA 92614.

I hereby certify that a true and correct copy of the above and foregoing document(s) have been served on September 19, 2017, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5-3.2.3. All other parties who have not consented to electronic service via the Court's CM/ECF system will be served by the following method:

☒ (BY U.S. MAIL) I caused such document(s) to be deposited with the U.S. Postal Service by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ (BY OVERNIGHT DELIVERY) I caused such document(s) to be deposited in a sealed envelope for collection and overnight delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing packages for overnight delivery by Federal Express.

Cindy Kanya Chan
9463 Arkansas Street
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Mollica Ratha Keo
2550 Chestnut Ave.
Long Beach, CA 90806

Naing Lam Yam
2550 Chestnut Ave.
Long Beach, CA 90806

Nivodeth Khiev
2550 Chestnut Ave.
Long Beach, CA 90806

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct.

3 Executed on September 19, 2017, at Irvine, California.

4 /s/Lucy Tom
5 Lucy Tom
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